

Jarrold Terry
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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF OKLAHOMA
3
4 (1) PATRICIA THOMPSON, as)
5 Personal Representative of the) Estate of MARCONIA LYNN
6 KESSEE,)
7 Plaintiff,)
8 -vs-) No. CIV-19-113-SLP
9 (1) NORMAN REGIONAL HOSPITAL)
10 AUTHORITY d/b/a NORMAN)
11 REGIONAL HOSPITAL, a public)
12 trust, et al.,)
13 Defendants.)

13 * * * * *
14 VIDEOCONFERENCE DEPOSITION OF JARROD TERRY
15 TAKEN ON BEHALF OF THE PLAINTIFF
16 IN OKLAHOMA CITY, OKLAHOMA
17 ON JANUARY 11, 2021
18 COMMENCING AT 10:39 A.M.

19 * * * * *

20
21
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1 swear in the witness?

2 JARROD TERRY,

3 having been first duly sworn, deposes and says in reply
4 to the questions propounded as follows:

5 * * * * *

6 EXAMINATION

7 BY MR. HICKS:

8 Q All right. Can you hear me okay, Mr. Terry?

9 A Yes.

10 Q Hi, my name is Jason Hicks. I represent the
11 plaintiffs in this case. I'm going to ask you a few
12 questions today. Before we get started --

13 A Okay.

14 Q -- could you just state your full name --
15 first, middle, last -- for the record?

16 A Jarrod Nathaniel Terry.

17 Q And have you ever given a deposition before?

18 A No, sir.

19 Q Okay. We're going to go through a little bit
20 of some guidelines just to kind of help things go
21 smoothly.

22 First, I don't think we're going to be too
23 long today, but, regardless, you can take a break at any
24 time, just let me know. The only thing I might ask is,
25 if we're in the middle of a question or a topic of

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1 A I don't know.

2 Q Okay. But you do know that she witnessed the
3 events that occurred while Mr. Kessee was inside the
4 waiting room, up until the point he was escorted out?

5 A Yes.

6 Q Okay. Did you speak with Ms. Gassaway about
7 what she and you had witnessed inside the waiting room?

8 A Not to my recollection.

9 Q Okay. Did Ms. Gassaway ask you any questions
10 about Mr. Kessee's behavior prior to her coming out to
11 the waiting room?

12 A No, she was in the waiting room when I was
13 called for the disturbance. She was the -- she was
14 present before I was.

15 Q Okay. When you arrived, then, to the waiting
16 room where Ms. Gassaway was already present, did she
17 have any conversation with you about what she had seen
18 or witnessed prior to you arriving?

19 A I was trying to ask Mr. Kessee what -- what he
20 needed, if he needed help, if he needed to check in,
21 because I was unaware, at that point, that he had been
22 seen as a patient, so I was trying to ask him the normal
23 questions I would ask anyone under those circumstances:
24 "Have you been seen as a patient? Are you here to see a
25 patient? And do you need any help?"

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1 And he was not really communicating with me at
2 that point, but I saw that he had a -- a snack pack,
3 which indicated to me that they had given him food in
4 the back of the ER -- these are sandwich kits that they
5 give to patients -- and he had an armband on. And then
6 RN Gassaway came up and waved me over and she said that
7 he had already been seen and had been discharged.

8 Q Okay. Describe Mr. Kessee's behavior at the
9 point when RN Gassaway came over to you and said he had
10 already been -- been seen and had been discharged. What
11 were you observing Mr. Kessee doing?

12 A He was a- -- he acted as if he was hearing
13 voices, so he would look in one direction or the other.
14 He was kind of mumbling under his breath. It was all
15 behavior that was indicative of schizophrenia or some
16 mental health issue.

17 Q Okay. And we kind of jumped ahead a little
18 bit, but do you have any education with regard to men-
19 -- mental health treatment, anything like that, dealing
20 with people with a mental health issue?

21 A Not with regard to treatment, but I do have
22 training, which is crisis intervention training, which
23 is in regards to observing and -- and being able to
24 identify possible indicators of mental health issues.

25 Q And did you use that training, that crisis

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1 A Yeah. Yes.

2 Q And sometimes people can't ask for a doctor;
3 true? They're unconscious?

4 A Ye- --

5 Q They're unable to speak?

6 A Yes.

7 Q They're mumbling incoherently, for example?

8 A (Moved head up and down).

9 Q Is that a yes? I see you shaking.

10 A That's -- I mean, if people mumble
11 incoherently and they might need a doctor, yeah.

12 Q Okay. And you -- you don't have the training
13 to make that determination, do you, as to whether that
14 person might need a doctor?

15 A No.

16 Q And it's your job to go find someone who does
17 have that training and let them know what's going on?

18 A That's true.

19 Q And you didn't do that on this night, did you?

20 A I had a nurse in the waiting room that was a
21 witness to everything that I was seeing, and I took it
22 on the fact that I had another healthcare provider that
23 was present, someone who was trained to be able to
24 observe those things, and if she was not concerned with
25 the behavior in the sense that she believed he needed to

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1 go back and be seen, it's not my place, as a security
2 officer, to tell her otherwise.

3 Q Okay. Were you concerned with the behavior --
4 let me strike that.

5 Had the nurse not been out there, were you --
6 would you have been concerned enough about Mr. Kessee's
7 behavior to go find a medical professional?

8 A Yes.

9 Q Okay. Why? Why would you have that concern?

10 A Just to make sure that he had been checked
11 out. I mean, I was told by the nurse that he had been
12 seen in the ER and discharged, but just because of the
13 way he was acting, if it were something that I would
14 have walked up on and there hadn't been a medical
15 professional on scene, I would have said, "Hey, why
16 don't you come talk to a nurse or talk to a doctor?"

17 But because of the fact that I was already
18 informed that he had been seen by a physician and
19 discharged, and then there was a nurse present, I didn't
20 take any further action on it.

21 MR. HICKS: Does that show up?

22 (Mr. Hicks had an off-the-record discussion
23 with the court reporter.)

24 MR. HICKS: Sorry, we've got a mouse pointer
25 on your face. I'm making sure it's not on the final

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1 make those decisions on what -- I mean, she's triaging
2 the patient to be -- go back to a doctor, so she's going
3 to make the initial determination on, hey, what's going
4 on with them, how severe is it, and to triage them and
5 get them, you know, prepared to go see a doctor.

6 Q Okay. And I'm just asking what you know. I
7 know you're not a nurse, but you did work there for 10
8 years, so I'm just basing this on your knowledge and
9 experience. If -- did you expect Nurse Gassaway to go
10 find a doctor, based on what you observed with regard to
11 the behavior of Marconia Kessee?

12 A No, because she -- I mean, it was one of those
13 situations to where I -- I don't know what she had
14 witnessed prior to my arrival, what behavior she had
15 witnessed prior to my arrival. I know she -- she was
16 seeing the same things that I was when I was there, but
17 I -- coming into the situation after the fact, I don't
18 know -- she wasn't -- she didn't seem too concerned
19 about that behavior and I have to base my decisions off
20 of what I'm seeing from her. If she wasn't concerned
21 with it -- I mean, yes, it was abnormal, but it wasn't
22 necessarily abnormal in the sense that I've seen other
23 mental health patients that act similar and have similar
24 behaviors.

25 It's pretty common things with schizophrenia,

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1 so it was -- it was a little bit -- you know, it was
2 crazy at first, it seemed crazy, but I don't know what
3 his baseline was, and because I don't know what they
4 witnessed, I can't make a decision on, you know, what
5 she should do in that case.

6 Q Okay. You said you've seen other patients
7 with similar behavior?

8 A Yes.

9 Q Was the response to Mr. Kessee's behavior any
10 different, from Norman Regional's perspective, what
11 Norman Regional did -- did Norman Regional respond in
12 any way different, with regard to Mr. Kessee, than other
13 mental health patients acting similarly?

14 A No.

15 Q Okay.

16 MR. WHITWORTH: Object to the form of that
17 last question.

18 MR. HICKS: Okay, let me just ask it -- just
19 the simple part, the end of it, and we'll try it again.

20 Q (By Mr. Hicks) Based on your experience of
21 working at Norman Regional for 10 years, was the
22 treatment that Mr. Kessee received in the waiting room
23 and in the front of the ER, and the response to
24 Mr. Kessee's behavior by Norman Regional medical
25 professionals and staff, any different than what you had

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1 to say Mr. Kessee needs treatment. All I can tell them
2 is what I observed and they have to make their own
3 determination based on that.

4 Q Okay. What about when you -- did -- did you
5 escort Officer Canaan back into the hospital to get the
6 fit for incarceration slip or fit slip?

7 A Yes, I did.

8 Q Did you walk up to -- or were you in the area
9 when Mr. Holbrook and Mr. Canaan -- Officer Canaan were
10 talking at the counter?

11 A Yes.

12 Q And you stayed there --

13 A Yes.

14 Q -- right?

15 In fact, that's when you filled out the arrest
16 report where you describe Mr. Kessee as belligerent and
17 not cooperative, right?

18 A Yes.

19 Q Okay. At that point, knowing what we've
20 talked about, that you believed he might need mental
21 health or medical treatment, did you express that to
22 Mr. Holbrook?

23 A No, because, at that point in time, Holbrook
24 had already -- had already seen -- to my knowledge,
25 Holbrook had already seen him, treated him and released

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1 him, and then RN Gassaway had seen his behavior in the
2 ER lobby and then the law enforcement officers had seen
3 his behavior prior to the arrest and they were talking
4 to Mr. Holbrook about it. So, I mean, I didn't really
5 feel like it was necessary for me to step into that
6 situation and -- and add my two cents to it, because, at
7 that point in time, it's -- it's outside of my
8 employment at that point. I'm just -- I'm just there to
9 fill out the paperwork that needs to be filled out and
10 the medical professionals can talk that over and the --
11 and the law enforcement officers can talk that over.

12 Q Okay. So are you saying that Mr. Holbrook
13 witnessed the type of behavior and conduct and just the
14 way Mr. Kessee was acting in the waiting room and out in
15 the front? Are you saying Mr. Holbrook saw that?

16 MR. WHITWORTH: Objection.

17 A No.

18 Q (By Mr. Hicks) Okay. So he didn't see that
19 and you didn't tell him about it; is that what I'm
20 hearing?

21 A I didn't tell him about it, but the law
22 enforcement officers who witnessed it and the -- I mean,
23 they -- they had mentioned it. And not only that, but
24 you have two nurses that witnessed it, that they could
25 have -- if they felt like there was an issue, they could